

Senate File 2143 - Introduced

SENATE FILE 2143
BY COMMITTEE ON STATE
GOVERNMENT

(SUCCESSOR TO SSB 3011)

A BILL FOR

1 An Act relating to public disclosure of the receipt of certain
2 gifts, bequests, and honoraria and making penalties
3 applicable.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 8.7, Code 2016, is amended to read as
2 follows:

3 **8.7 Reporting of gifts and bequests received.**

4 All gifts and bequests received by a department or accepted
5 by the governor on behalf of the state shall be reported in an
6 electronic format to the Iowa ethics and campaign disclosure
7 board and the general assembly's standing committees on
8 government oversight. A report shall be filed only for the
9 calendar quarter in which a gift or bequest is received or
10 accepted. A report shall be filed no later than the tenth day
11 of the month following the calendar quarter in which a gift
12 or bequest is received or accepted. The ethics and campaign
13 disclosure board shall, by January 31 of each year, submit to
14 the fiscal services division of the legislative services agency
15 a written report listing all gifts and bequests received or
16 accepted during the previous calendar year with a value over
17 one thousand dollars and the purpose for each such gift or
18 bequest. The submission shall also include a listing of all
19 gifts and bequests received by a department from a person if
20 the cumulative value of all gifts and bequests received by
21 the department from the person during the previous calendar
22 year exceeds one thousand dollars, and the ethics and campaign
23 disclosure board shall include, if available, the purpose for
24 each such gift or bequest. However, the reports on gifts or
25 bequests filed by the state board of regents and the Iowa state
26 fair board pursuant to [section 8.44](#) shall be deemed sufficient
27 to comply with the requirements of [this section](#).

28 **Sec. 2. NEW SECTION. 68B.23A Gifts and honoraria reporting.**

29 1. An official or employee of the executive branch shall
30 submit a report pursuant to subsection 2 to the board in an
31 electronic format for any gift or series of gifts or honorarium
32 or series of honoraria received by the official, employee,
33 or immediate family member of the official or employee from
34 a restricted donor that exceeds one thousand dollars in the
35 aggregate in a calendar year.

1 2. A report shall be filed no later than the tenth day
2 of the month following the calendar quarter in which the
3 official, employee, or immediate family member of the official
4 or employee receives one or more gifts or honoraria that
5 results in the person receiving gifts or honoraria that in the
6 aggregate exceeds more than one thousand dollars in a calendar
7 year from the same restricted donor. During the same calendar
8 year, if additional gifts or honoraria are received from the
9 same restricted donor the report shall be amended to include
10 the additional gifts or honoraria no later than the tenth
11 day of the month following the calendar quarter in which the
12 additional gifts or honoraria are received.

13 3. The board shall prescribe the information to be submitted
14 on the report which shall include, at a minimum, the name of
15 the official, employee, or immediate family member who received
16 the gift; the position or title of the official or employee;
17 the name and address of the restricted donor; a description of
18 the gift; the estimated value of the gift; and the exception in
19 section 68B.22, subsection 4, or section 68B.23, subsection 2,
20 that allows the official, employee, or immediate family member
21 to accept, directly or indirectly, the gift.

22 4. Contributions to a candidate or a candidate's committee
23 shall not be included in the report if such contributions are
24 disclosed on the candidate's committee disclosure reports.

25 5. Gifts of food, beverage, and entertainment received at
26 a function meeting the criteria in section 68B.22, subsection
27 4, paragraph "s", shall not be included in the report if
28 the function is registered and a disclosure report is filed
29 pursuant to section 68B.22, subsection 4, paragraph "s".

30

EXPLANATION

31 The inclusion of this explanation does not constitute agreement with
32 the explanation's substance by the members of the general assembly.

33 This bill relates to public disclosure of the receipt of
34 certain gifts, bequests, and honoraria.

35 The bill requires reports filed pursuant to Code section

1 8.7, relating to gifts and bequests received by a department or
2 accepted by the governor on behalf of the state, be filed in an
3 electronic format. The bill requires reports to be filed only
4 for calendar quarters in which a gift or bequest is received or
5 accepted. The bill requires reports to be filed no later than
6 the tenth day of the month following the calendar quarter in
7 which the gift or bequest is received or accepted.

8 The bill requires an official or employee of the executive
9 branch to submit a report in an electronic format to the
10 ethics and campaign disclosure board for any gift or series
11 of gifts or honorarium or series of honoraria received by the
12 official, employee, or immediate family member of the official
13 or employee from a restricted donor that exceeds \$1,000 in the
14 aggregate in a calendar year. The bill provides for the timing
15 of such reports, amending such reports, and the information
16 to be included in the reports. Gifts received that are not
17 required to be disclosed include those that meet the gift
18 law exceptions relating to contributions to a candidate and
19 relating to food, beverage, and entertainment received at a
20 function qualifying under Code section 68B.22, subsection 4,
21 paragraph "s". A person that knowingly and intentionally
22 violates this provision is guilty of a serious misdemeanor
23 under Code section 68B.34. A serious misdemeanor is punishable
24 by confinement for no more than one year and a fine of at least
25 \$315 but not more than \$1,875. In addition, a person violating
26 the limit on the value of permissible gifts is subject to civil
27 penalties or disciplinary action issued by the ethics and
28 campaign disclosure board or subject to disciplinary action
29 taken by the ethics committees of the senate and house of
30 representatives.